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HASTINGS LAW NEWS

Volume 20, Number 3

Hastings College of the Law

San Francisco, California

November 11, 1986

LAW JOURNALS STRUGGLE TO MEET NEW STANDARDS

By LISA FELDMAN
Staff Reporter

Some at Hastings feel that the four law journals are in trouble. These critics cite a lack of returning third-year students, late publication, and even nepotism as signs of an impending crisis.

Although an unusually high number of participants did not return this year to become second-year members, the decrease in membership appears to be the result of specific problems which arose last year, rather than a growing problem in the overall journal system.

According to their editors, the *Constitutional Law Quarterly* (CLQ) and *Comm/Ent* each lost about one third of their participants — 17 and 11, respectively. *Hastings International and Comparative Law Review* (HICLR) lost 8 members, while the *Hastings Law Journal* (HLJ) lost 5. In order to replace some of these students, *Comm/Ent*, *CLQ* and *HICLR* took 2, 3 and 4 students respectively from Moot Court, a rare remedy. But the high numbers reportedly reflect displeasure with last year's Board members, rather

than a general decline in journal membership.

The mini-exoduses may be due to last year's controversy over slow publication schedules. A faculty committee, which was headed by Professor Herbert Hovenkamp, made sweeping changes that have had a profound impact on the staffs of all four journals.

Most significant are stricter deadlines for publication, which require that journals get on schedule by the end of this year. Currently, all of the journals are behind schedule. According to Professor David Levine, a member of last year's and the present Committee, timely publication is important with the Committee, because the law changes so rapidly, and an article must appear promptly to have an impact.

The Committee also decreased the units awarded for participation on a journal. Board members now receive 3 units, rather than 4, and no journal may have more than 7 Board members, reduced from 9. Moot Court Board members, however, still receive 4 units. Other third-year journal members now receive 2 units, instead of 3, with the Editor-in-Chief maintaining

discretion to award 1 unit. In addition, students will receive 1 unit for the publication of a note, whereas last year no credit was given for publication. The Committee also mandated that the writing competition be held directly after finals, instead of during spring break.

Many journal members believe that the committee's formation

was instigated by Professor Hovenkamp, allegedly after his article he had written for one of the journals was overedited. Professor Levine, however, denies that, and says "It was just time to take a look at the journals."

In either case, Professor Hovenkamp has since left Hastings, and some journal members feel that this year's Committee,

chaired by Professor Louis Schwartz and consisting of Professors Barrett, Kanowitz, Levine and Nelken, is more relaxed. Professor Levine, however, warns, "If they [journal members] think the pressure's off, they're dead wrong." According to Levine, the committee is monitoring the progress of the journals

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ENFORCEMENT OF STUDENT REGULATIONS APPEARS TO BE WORKING SMOOTHLY

By SHARON MIERAN
Staff Reporter

Two months ago Dean Bert Prunty and Assistant Academic Dean Daniel Lathrope met with leaders of various student organizations to discuss regulations requiring that organizations engaged in political or religious fundraising pay full rental and security fees for the use of rooms. It seemed then that enforcement of the regulations, which had previously been applied arbitrarily, would be a source of much controversy. However, either because organizations have not been engaging in political fundraising, or because they have been complacently paying the required fees, or because the administration has not been applying or enforcing the regulations, no complaints have been filed.

Although presently there have been no formal complaints, there are still feelings among the leaders of student organizations that the regulations are not fair and should be revised, and that there is the potential for problems to develop.

Cherie Armstrong, president of Black Law Students Association (BLSA), voiced a concern shared by representatives of other organizations. She suggested that the determination of what constitutes a "political or religious" fundraiser is arbitrary, and hence is potentially discriminatory. When asked about this apparent arbitrariness, Dean Lathrope, acting as temporary Director of Student Services, outlined the interpretive

process.

Dean Lathrope makes the initial determination regarding the political or religious nature of a fundraiser, and the regulations are then enforced accordingly. If any complaints arise, the issue is then brought before a general committee which decides whether the initial determination should be upheld. According to Dean Lathrope, there have been no complaints filed concerning his decisions.

Another potential concern, suggested by David Canas, president of La Raza, is the possible prohibitive effect of the regulations. He and other student leaders feel that since their organizations are comprised of members of Hastings' student body, regardless of their political or religious nature, they should not be treated as non-associated groups seeking a purely commercial relationship with the school.

However, for the most part student groups have acknowledged the validity of the administration's position regarding this concern. The administration asserts that it is constrained by the fact that by not charging rental fees to student organizations involved in political or religious fundraising, it would essentially be endorsing a particular religious or political viewpoint, which would be inappropriate.

Previously, because the regulations were not formally set forth, their application was arbitrary. It is this arbitrariness that the administration is seeking to avoid by formalizing the regulations.



Dean Daniel Lathrope

So far, although student leaders admit that there is the potential for problems to arise, none of the organizations interviewed by the *Law News* has been deemed to have sponsored "political or religious" fundraisers. This gives the administration no basis upon which to charge rental or security fees, and correspondingly gives student organizations no reason to complain. Whether or not the formalization of the regulations has truly been or will continue to be a successful endeavor is yet to be seen.

However silent students have been with the Dean's office, there have been some comments privately about two issues in particular.

The first issue is concerned with the regulation against editorializing in weekly newsletter announcements. Some groups have

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Just in Jest...



So this is where they spend their evenings.

From The Dean



Dean Bert Prunty

As every lawyer (and every politician) knows, there are two sides to every story. I am grateful to The Law News for providing me the opportunity to urge restraint in the evaluation of the current series of sensational anti-Hastings news stories. I have been very close to the events leading up to those stories and I believe them to be

political in both origin and implementation.

These stories emanate from a recently released report of the Auditor General of the State of California. The Auditor General is a legislative officer who reports directly to the Chairman of the Joint Legislative Audit Committee in Sacramento. At the time of the events in question, and now, the Joint Legislative Audit Committee was Chaired by the Assemblyman in whose Civic Center district the law school is located. The events questioned in the Report of the Auditor General took place in the mid 1970's. Specifically, they involve the acquisition of four buildings by the College in the period between 1973 and 1977.

In essence the audit report makes two assertions: (1) Hastings is mismanaging its properties to the detriment of its tenants and the community; and (2) The then

management of Hastings acquired these properties by the misuse of funds and in violation of its fiduciary duties. The Auditor General's report then recommends the immediate disposition of these properties. I, as Dean of this College, suggest that these two assertions are ill-founded and that the proffered recommendation is inimical to the public interest.

The four residential buildings in question are old but they are not neglected. There will always be problems with buildings of their age and there will always be the need for on-going maintenance and repair. It is our policy and our practice to do everything in our power to meet all applicable health and safety standards and to insure the comfort of our tenants. I am not aware of any outstanding violation in any of these buildings or the existence of any correctable condition presenting a problem of

health or safety. If such conditions arise they will be addressed promptly. To insure that this is done we are arranging for the City of San Francisco to make regular inspections of these facilities to inform us of any problems they might find. We are also arranging a unified professional management of the facilities to enhance our maintenance program and to provide a rapid response to any problem that may arise. I do not believe there is any on-going issue on this phase of the Auditor General's report.

One section of the Auditor General's report recommends disposition of these properties as "surplus" for which Hastings has no intended use or plan. About all that can be said about this is that the premise is untrue. These parcels were acquired and are retained as a very important part of the future of this institution. They are all contiguous with our other facilities and they will all ultimately play a very positive role in the enhancement of the quality of life at Hastings and in the Civic Center generally. We have informed the Auditor General that these properties will be developed for: (1) Direct academic use; (2) Ancillary use as student or faculty housing; (3) Related professional use such as housing for courts; (4) The production of endowment income; or (5) A combination of the foregoing. We stand by this commitment.

By far the most serious accusation in the Report is that funds were misused in the initial acquisition of these properties, resulting in a deprivation of approximately \$824,000 in our student financial aid accounts. This charge is unfair and works an egregious injury to the College and our fund raising capability. It requires a response.

In the first place, Hastings is regularly audited by both State and private auditors. No one (including the present Report) has ever suggested that any monies have ever been used for anything other than College purposes. They haven't. In the second place no auditor has ever suggested that any funds of the College are unaccounted for. They aren't. What the Report does assert is that Restricted Endowment Funds were invested in real estate. They were. In itself this is not an impropriety. It is not even unusual.

The Report also asserts that current Restricted Funds (the income from Restricted Endowment) were invested in real estate. They were. This is a more difficult question than the other. Justification for the investment of current Restricted Funds (rather than their distribution in compliance with the restriction) can be justified as a conservative fiscal measure designed to strengthen and build the Capital Fund for the benefit of future beneficiaries of the donor's intent. That is precisely the justification I offer in this case. The

endowment and current funds were invested in these properties for the benefit of the future and I believe they were invested soundly. These four properties were acquired in the mid 1970's for a total cost of \$1,414,142. In 1980 they were appraised at \$1,971,000. In 1986 they were appraised at \$5,200,000. This current value is 367% of cost and represents an unrealized gain of \$3,785,850, or over 2½ times the acquisition cost. I cannot accept the proposition that this is an imprudent investment.

Putting aside everything else, the auditors figure of over \$820,000 dollars "...that could have been available for scholarships and student loans" had to be reached through a series of assumptions. Their first was that all Restricted Funds invested in our Westblock during the 1970's flowed into these four parcels. This is a rather peculiar assumption in view of the fact that these parcels represent less than half of those acquired and that many millions of other dollars were involved in the acquisition. The second assumption is that all of the Restricted Funds involved were for Scholarships and Loans. To the most certain knowledge of the Auditors this was not the case. The third assumption is that it is improper for management to capitalize earnings on Restricted Funds. I have already dealt with this matter.

A very important point should be made in connection with this scholarship deprivation assertion. That point is that during the years of this investment we have been fully able to meet the financial aid requirements of our student body. Our capability and our performance have grown rather than diminished. Since 1977, the total assistance available to students at Hastings from all sources has increased by 150%. We have added one quarter of a million dollars to our Scholarship Endowment Funds and our distributable scholarship income has increased by more than one hundred thousand dollars.

As everyone knows, the Hastings Administration for two years has been investigating the construction of a new University/State of California building on our West Block. Among the purposes for this project is the production of revenue for scholarships and other programs for the benefit of students. Almost immediately this project would generate more income than the total investment of endowment funds in the entire block.

The timing of this Audit Report and its ten year old "news" raises questions. Under exactly the same cast of characters, our records show the Auditor General came to Hastings in 1979. At that time our Board of Directors expressly made available to the Auditors all of the facts "discovered" in this current Audit.

Auditors Say Hastings Misused Funds

After more than seven years of approving the management of Hastings' funds, the State Auditor General's office reversed its position recently by issuing a report critical of several restricted account investments. The auditors alleged in their report that Hastings "mismanaged" these

accounts, beginning in 1979, by investing as much as one million dollars in real estate. The real estate purchased by Hastings with the money has appreciated in value 357%.

Back in 1979, after the purchases in question were made, the Auditor General gave Hastings a "clean bill

of health" and at no time during the intervening years, despite regular audits, has the school been criticized by the auditors for its investments. Auditor General Hayes attempted to explain this discrepancy by stating that the audit in 1979 was "never performed," despite the fact that a full audit team was assigned to Hastings at that time.

The individual apparently responsible for the Auditor General's change of heart is Assemblyman Art Agnos. Agnos requested the audit, despite the fact that Hastings is in Assembly Speaker Willie Brown's district, after his legislative attempts to force the school to conform to local zoning laws were repeatedly ignored. "Agnos is running for mayor [of San Francisco]" stated an unidentified source, "and doesn't mind smearing Hastings' good name if it will garner him a few votes." Agnos' office denied that his criticism of Hastings will earn him votes.

The present Dean of the Law School, Bert Prunty, has stated that, despite the auditors' recommendation that property be sold to reimburse the restricted funds, no such action will be taken. Dean Prunty, who was not dean at the time the transactions in question took place, has defended the Board's right to make long-term investment of the restricted funds (see *From The Dean*).

The General Council of the Associated Students of Hastings at its regular meeting November 3, discussed the mismanagement issue and referred the matter to a special committee. The committee is charged with the formulation of specific recommendations and will explore administrative, legislative and judicial remedies. The ASH Council will resume discussion of the issue at its November 17 meeting.

not returning, however, were varied: a poor second-year experience; dissatisfaction with board members and time constraints. Most students agree that the first year on a journal is tedious and not very gratifying, primarily because the new members spend all year cite-checking and writing their notes. As one third-year student commented, "The second-years get all the dirty work."

Perhaps because of this, several ex-participants feel a lack of loyalty toward their journal. "What I wanted to get out of the journal experience was a camaraderie where everyone puts together a journal, but instead there was an incurable gulf between the second and third-year students. The third-years didn't instruct the second-years, and there was no continuity, no plan." Such second-year experiences discouraged many journal members. "I didn't feel I was giving up anything by not going back — only another line on my resume," said another.

If these problems are prevalent, why join a journal? Resume value, say many new members. "As long as the firms place emphasis on journal experience, people will join," said one member. For third-year students returning to the journals, the experience can also be quite valuable. Some prefer editing, while others enjoy working with the new members and helping them compose their notes.

LAW JOURNALS

Continued from page 1

through compliance reports submitted by the editors and is requesting full compliance by the end of the year.

The journal staffs are unhappy with the Committee's rules. One frustrated editor-in-chief feels that the Committee has made "a total mismatch of method and goals." He said that the members of the Ad Hoc Committee "want to improve morale, yet they cut units and the size of the Board. The Committee members seek timely publications, yet they hold the writing competition in the summer when the third-years, who would normally help with the publishing, are gone."

The Committee rules did not appear to be a deciding factor for most of the non-returning students. Their attitude seemed to be that if they were willing to do all of the work for only three units, they would do it for two, because they were seeking something out of the experience other than units. However, at least one third-year student disagreed. "It used to be that the tougher first year evened out with the easier second year, but now, the editors have more notes and stricter deadlines. It's just too much work for too little credit."

Failure to meet minimum grade requirements forced several students' departures. Currently, a 2.2 GPA is required for second-year students, and a 2.5 is required for third-years. Also, a small number of students are asked not to return.

The most common reasons for

Student Irresponsibility Causes Reduction Of Emergency Funds

By DEBORAH BJONERUD
Staff Reporter

While the reduction of Emergency Student Loan allocations from last year's limit of \$200 to the current limit of \$100 is due to a number of factors, the primary one is the high rate of default on loans in the past. The loan program is administered by Hastings, and their available remedies to a student's failure to meet the 30-day repayment requirement, incremental interest charges added to the principal, have not been sufficient motivation for students to meet their obligations on time.

To encourage repayment, Hastings has the ability to withhold grades and transcripts, prohibit re-enrollment in classes and even deny graduation. But in the past, administration has not strictly enforced collection procedures of ELSs, although budget cuts and high default rates last year have been instrumental in the renewed vigor of the administration's

efforts. Unfortunately, in attempting to collect ELSs, financial aid officers have received unwarranted abuse from aggravated students whose defaults have forced them into action.

Students should be aware when seeking aid that the ESL program is only completely effective and operative when the system is working as intended; that is, when the loans are promptly repaid. If money is loaned and not repaid, the pool of funds gets depleted and is no longer available. Excessive abuse will break the bank.

Another factor instrumental in the reduction of the limit is that the program is presently only partially operative. Availability of funds is now quite limited, and Michael Roth of the financial aid office told the *Law News* that the system is presently hard pressed to make loans of even \$100 to students for grocery money.

The present depleted state of the

fund is also due to administrative problems. According to Noel Shumway of the Administrative Services Planning and Operations Office, the entire budget — loans outstanding and those which have been repaid — is being reconciled to determine the "integrity" of the overall fund. The reconciliation was due for completion at the end of October — after press time for the *Law News* — and the system should be completely operative by now.

The procedure for obtaining ELSs is simple and involves completion of a brief application in the financial aid office. The application specifically asks the student the nature of her emergency, and the source of repayment at the end of the 30-day period. Due to the current restrictions in the process and the budget, allowable emergencies are strictly limited to those concerned with essentials such as groceries, books or those

arising out of administrative delays regarding the disbursement of financial aid checks. The screening of the applications is done by Financial

Aid Officer Michael Roth, and checks are disbursed by the accounting office within 24 to 48 hours of approval.

In Memoriam...

Professor William J. Riegger, who joined the Hastings faculty in



1971 as Associate Dean for

Academic Affairs and taught Community Property and Wills and Trusts, died of heart failure October 19 at the age of 61.

Professor Riegger received his J.D. in 1950 from the University of Minnesota, practiced law in Tucson, and later served as Professor of Law (1958 to 1960), Assistant Dean (1960 to 1969), and Acting Dean (1969 to 1970) at the University of San Francisco School of Law. In addition, Professor Riegger was a permanent visiting professor at Nihon University in Nihon, Japan, and Vice Dean at Hastings from 1975 to 1977.

Professor Riegger will be sorely missed by the entire Hastings community.

ASH Notes

Meeting of 29 September

After several preliminary matters, including an announcement by ASH President Elie that the cafeteria hours have been extended until 4pm daily, the Council discussed the committee selection process.

2nd-year Representative Susan Burns expressed concern that student applicants not chosen for committees were given no notice of any appeals procedure. A motion was then placed on the floor to approve the nominations of the Committee on Committees. After some discussion of appeals

procedures, and with no resolution of the issue, 3rd-year Representative Kevin Taylor moved to table the motion. The motion was tabled by a vote of 14 to 8.

Representatives of the Asian/Pacific Law Students Association and La Raza Law Students Association then approached the Council with a request for \$250 to underwrite the Proposition 63 debate held at Hastings October 14. The Council approved the request by a vote of 23 to 1.

Meeting of 8 October

The 1986-1987 ASH budget was the only item on the agenda. All

budget items were approved in approximately 3½ hours of discussion, with only a few minor changes from Finance Committee recommendations.

A total of \$19,210 of approximately \$29,000 in projected revenues was allocated (see chart, this page).

Meeting of 15 October

Representatives of the Business and Tax Club at Hastings (BATC) requested that the Council allocate \$100 to co-sponsor the annual Law Careers Forum Symposium. 2nd-year Representative Susan Burns moved to approve the request and spoke in support of her motion. Speaking against the motion, 3rd-year Representative Mike Kanellos characterized the symposium as "boring, tedious and completely worthless." Council Member Ellen Schned also spoke against the motion, reminding the Council that the request had already been considered by the Finance Committee and had been rejected. 3rd-year Representative Kevin Taylor then moved to amend the amount to \$50. This motion carried by a vote of 14 to 8. The request, as amended, was approved by the narrower margin of 12 to 10.

Deena Blum, Editor-in-Chief of the Hastings International and Comparative Law Review (HICLR), came before the Council to request funds for her organization. 3rd-year Representative James Wong moved that \$540 be granted to HICLR, but his motion was not recognized by the chair. A motion was then made to grant \$75 and this motion was placed on the floor for debate.

Speaking against the motion, 3rd-year Representative Marc Hurd called the request "sour grapes" over the recent grant of

\$150 by ASH to the Moot Court Board. Wong then moved to amend the requested amount to \$150. After much discussion regarding the actual expenses of HICLR, Wong moved to table the motion until the next meeting of the Council so that Blum could come back with more detailed figures. Following a heated

exchange between Parliamentary Joy Warren and ASH President Elie over the precedence of the motion to table, a vote was taken and the motion was defeated. A vote was then taken on the amendment, which failed by a margin of 4 to 16. The main motion was then put to a vote and was defeated 9 to 11.

How Your Fees Will Be Spent...

1986-87 ASH BUDGET ALLOCATIONS

Group	1985-6 Allocation	Request	1986-7
ABA/LSJ	n/a	1182	400
ACSEL	300	725	400
Alternative Law Journal	250	738.55	300
Amnesty International	150	226	200
A/PLSA	825	1869	1050
ASK	100	756	500
BATC	50	2157	600
BASH	365	1355	800
BLSA	825	7370	875
Christian Fellowship	n/a	50	50
Clara Foltz Women's Union	275	1100	425
Coalition for Judicial Ethics	n/a	650	75
Criminal Justice Association	n/a	700	150
Dickinson Society	240	968	450
Environmental Law Society	400	1540	400
Federalist Society	n/a	760	75
GLSA	325	1160	450
GAAP	400	3000	1400
Hawaii Law Caucus	50	915	150
Health Law Society	n/a	495	200
La Raza	825	2300	1000
Law News	1790	1280	1280
LIL	325	380	380
Moot Court Board	n/a	300	150
Motorcycle Club	0	225	0
Native American Law Students	200	685	300
NLG	500	950	600
NJLSN	250	1367	350
ODLSA	450	782.74	500
Personal Computer Users	25	409	225
Phi Alpha Delta	0	600	250
Phi Delta Phi	200	2300	450
PI/Product Liability Litigation	n/a	75	75
Players Society	900	2225	1500
Republicans	50	100	75
Rugby Club	n/a	2500	50
St. Thomas Moore Society	50	408.75	250
SANWI	250		350
Student Democrats	50	410.74	225
Third Year Class	400	1550	600
Trial Lawyers Club	n/a	695	150
Unemployment Project	400	700	650
Worker's Rights Clinic	400	967	800

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FEATURES

Bay Area Backroads

BIG TROUBLE IN LITTLE SWITZERLAND

By SUSAN BRADLEY

Little Switzerland, located in the heart of Petaluma, is more than just your average German-Swiss-Austrian restaurant. Don't let the permanent Christmas lights outside fool you — this is a first rate restaurant — as far as fishing resort areas go.

When first we approached this fine eatery after winding down countless country roads, we were caught somewhat off guard. We had been invited to a FREE dinner by the head partner of a fine San Francisco firm (the names have been omitted to protect the innocent.) Naturally, we had all dressed to the hilt, as we thought the occasion called for it. However, once we entered the foyer and noticed that most of the women had opted for Pendleton shirts and jeans, we knew almost immediately that we had overestimated our value of the firm.

However, our good time was not to be spoiled by a few tacky dressers, so we made our way to the bar pronto. The first problem we encountered was a serious lack of funds. Not to worry; the high-quality drinks were priced much lower than the sodas in the Hastings vending machines. Consequently, we felt compelled to order not one, but *three* rounds of drinks before our host finally arrived.

As we entered the dining area, we noted the quaint Swiss atmosphere this little hole-in-the-wall had managed to manufacture. All around us the walls held pictures of a happier place — Swiss Alps, Swiss cheese, Swiss watches — needless to say, we were *awed*. But that's not all.

As we took our seats at the picnic tables, covered with the traditional red and white tablecloths of the Swiss (similar to their red-and-white-crossed flag), we

knew we had hit pay dirt. And did I mention the lederhosen? Well, everyone who was not wearing clothing they had purchased at the local horse and feed store was wearing lederhosen. We felt that perhaps we had somehow been transported through a mind/space/cultural time warp gone awry, and deposited beer in the midst of a conflict between haberdashers from the Old West and the days of William Tell. But no cause for alarm; it was only Oktoberfest! As the "compait" band, with its large, female, German saxophone player began to play, we knew this was not going to be your average night out with the boss and his wife.

When the polkas began, everyone really let loose! We were somewhat hesitant at first, since none of us would know a polka from a rumba; but what we lacked in expertise we made up for in enthusiasm. In fact, our host

commented on just how animated we had become. We accepted his compliment graciously, slyly pouring ourselves another glass of heavy German beer. Even the boss got caught up in the spirit of the evening and hauled his wife out onto the dance floor. Her Swedish heritage added yet another dimension to the cross-cultural experience of the evening.

Two hours later, with many pitchers of beer under our belts, dinner was finally served. And what a treat it was. I, of course, opted for the sausage combo, which was at once both spicy and filling. What a treat! My comrades, somewhat less daring, ordered pork chops, veal, and fish and

chips (I didn't know these were also Swiss specialties, but consistent with the tone of the evening, I learned a great deal about a great little and was pleasantly amused by my newfound knowledge.)

The proprietor of the establishment provided more than fine food, warm beer, and an enjoyable atmosphere for our pleasure. He treated us to a veritable dance extravaganza, featuring an authentic German dance troop that came all the way from San Jose.

The highlight of the performance came when the male dancers formed a circle and began to dance wildly around several logs they had carried out on to the

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Thai Recipe: Excellent Food In an Elegant Atmosphere

By DREW BENDON and DAVID DANIELS

Considering the number of Asian restaurants in the Hastings vicinity, the opening of yet another might not seem to be worthy of notice. Thai Recipe, located on Turk Street near Larkin, is an exception. It offers a fine selection of Thai cuisine in an atmosphere that, for the neighborhood, is a pleasant surprise.

The relatively plain exterior of the restaurant does not adequately prepare the diner for the French Provincial charm of the interior

decor. Softly lit by crystal chandeliers, the simply set glass-topped tables give the restaurant a comfortable yet elegant appeal. Dark green carpeting, set off by brass railing and salmon-colored walls, complete the truly first-class appearance of the place.

In addition to daily specials, the menu is replete with authentic Thai entrees, appetizers, and salads. As an appetizer, the Thai Recipe Rolls, a variant of the common spring roll, which the menu describes as "deep fried, gently stuffed with ground chicken, grassy noodle and vegetables" were

quite good. The Tod Mun (fried fish cakes) were perhaps a bit dry, but were served with a sweet cucumber sauce which more than compensated for this fact.

The entree special on the day we visited the restaurant, Karee-Goong, was a combination of prawns and vegetables in a Thai curry sauce. The curry was actually very mild (much spicier dishes are available) and resembled a creamy French sauce with a touch of Asian flavor. This is not surprising since the owner of Thai Recipe was a chef at Le Candide for several years.

Nuer Ob (Thai roast beef) was excellently seasoned but suffered from the use of a poor cut of beef. The chili-lime sauce which accompanied the beef was very tasty and added a unique touch of authentic Thai flavor.

Thai Recipe also offers a selection of desserts and beverages. The iced coffee and iced tea are exquisitely rich and highly recommended.

Thai Recipe is certainly the only restaurant of its kind in the Tenderloin. Thai food may be found elsewhere and perhaps at slightly lower prices, but one would be hard pressed to find that food served in any manner approaching the style and elegance of Thai Recipe.

Thai Recipe is located at 472 Turk Street next to the Turk/Larkin Deli.

By CHRIS PALERMO
Managing Editor

Not long ago in America the only comedians worth listening to were national superstars. Bill Cosby, Steve Martin, and Eddie Murphy dominated the comedy scene for years. Seeing good shows in small, intimate clubs was nearly impossible. But this year, refreshingly, the hottest weekend spots in San Francisco are the comedy clubs — the Punchline, P.J. Montgomery's, and a number of other laughhouses sprinkled around the perimeter of the city. They've been attracting sellout crowds most nights this season, and there's a reason: San Francisco is home to an extraordinary clan of innovative, offbeat, and bright young comedy stars.

Recognizing the presence of this unusual group of performers, Stanford University has assembled fifteen of the finest for a series of five stand-up shows held monthly at Memorial Auditorium on the campus. Making the trip down the Peninsula is well worth it, as the inaugural show on October 25 definitely proved.

Ellen DeGeneres opened the show. A petite, quiet blonde, she has a knack for exposing and examining silly, stupid habits that mark our daily lives, carrying them to absurd extremes. Her routine was a sometimes meandering series of family anecdotes and notations about her pets, her home life, and her relationships with men. After breaking up with her boyfriend and remaining single for months, she related, she became worried that she had forgotten how to "do

it." "Don't worry," a friend consoled her, "Sex is kind of like riding a bicycle, you know..." "Which may be true," DeGennaro said, "but when in bed I don't ever remember pedalling..."

DeGennaro worked the 1,200 seat house skillfully and was warmly received. Her work has previously been confined to New Orleans, where she grew up and got her standup start; last year, she auditioned for a local comedy competition as part of a national search for Showtime's "Funniest Person in America," and she went on to claim the title. During stops in San Francisco she often headlines the major clubs.

But local talent Jake Johannsen offered the real treat of the evening. This summer Johannsen won the San Francisco International Standup Comedy Competition, besting close to 100 others from throughout the world. His brand of comedy is offbeat, frenetic, and wildly funny; the jokes come fast and furious, as if shot from a comic Gatling gun, and his half-hour set was a major test of endurance for audience members unaccustomed to laughing hard for a continuous 30 minutes.

Peter Stack's assessment of Johannsen in the San Francisco *Continued on page 12*

The Tenderloin

Note: Columnist Colleen Fitzgerald is sick but will return next month with more Talk of the Tenderloin.



Thai Recipe, 472 Turk Street

Man About Town

A Visit To The Chocolate Shops of San Francisco

By MICHAEL BOLLARD
Features Editor

Editor's note: In an attempt to educate the masses, we continue our review of places you ought to be besides the library.

In search of the perfect chocolate, we set out to eat as much as we could and consequently gained several hundred pounds. At a private tasting, the members of the Law News Features staff, with select guests, carefully reviewed each chocolate with a connoisseur's palate. However, given the negative response generated by our last article, no mention is made of the liquor content of any of the chocolates.



The Candy Jar

210 Grant Ave. & Macy's Cellar
This refreshing little spot just off Union Square is the first in the Grant Street "chocolate belt." The Candy Jar specializes in "turtles" (chocolate covered nut clusters) and Grand Marnier truffles which, like all of their chocolates, are made locally each day. The store manager informed me that The Candy Jar has been making chocolates for over 10 years and can boast the "best deals and the best prices."

The Candy Jar also carries over 180 types of hard candies from all over the world. The staff is very friendly and the chocolates were excellent. Truffles are \$1.15 each, \$1.00 if you buy five or more.

Chocolates from Chocolates

218 Church (at Market)
For such a small place, this chocolate shop may boast of being the favorite of several Hastings students, including our selection committee.

Their specialties are clusters and truffles which are very chocolatey. Truffles run 95 cents for large ones, 50 cents for small ones, and 35 cents for traditional truffles. Chocolate is made on the premises, which is fun to watch, and the owners are extremely pleasant and helpful.

City Sweets

444 Market & 351 Geary
As you approach the Geary Street store, the first thing to catch

your eye is the jelly bean portrait of Elvis Presley. This is perhaps the only interesting thing about this otherwise generic candy store.

There are some novelty chocolates such as San Francisco Skyline and a Victorian house, but all of the chocolates are from somewhere else. The store does specialize in sugar-free and salt-free candies for those of you who are interested.

Confetti Le Chocolatier

4 Embarcadero & 2801 Leavenworth
This is a fun little spot which specializes in bite size chocolates from all over the world which you can mix and match for a special arrangement. For those of you who know nothing of foreign chocolates and what might go well with what, the people here are very helpful.

Cost Plus The Wharf

Although this is not a chocolate store per se, the selection of imported and domestic chocolates at this S.F. tradition is so excellent that it should not be passed up. Virtually every major chocolate company's bars are here, priced 35 cents to a few dollars. Absent are any of the great Middle Eastern or African chocolates, but one really can't complain.

Fabulous Fudge

397 Geary & 1035 Geary
Although the fudge here is, in fact, fabulous, and a great deal at \$8.50 per pound, shy away from the truffles. The fudge comes in twelve varieties which have been

perfected in the 32 years that this chocolate has been made in San Francisco. In 1983 it was voted the best fudge in the United States.

The truffles, which are very attractive and come in such flavors as black cherry and chambord (a variety of wild raspberry), are just not as good and did not pass muster with our critics. In their defense, however, they don't make the truffles.

Ghirardelli Chocolate Co.

Ghirardelli Square
In spite of the fact that this establishment was recently sold to the Quaker Oats Corporation, it remains the quintessential San Francisco chocolate resource. Bars range from 35 cents to \$1.25 for small ones and up to \$2.50 for the large, depending on the store; but go to the Square, where you can also get great sundaes, hot chocolate, and a chance to see how the stuff is made. Especially fun when the parents are in town.

Godiva Chocolates

Macy's Cellar
At \$21.00 per pound this chocolate ought to be a lot better. Of course we did just try their chocolate bars — perhaps not the best that Godiva has to offer. The candies are quite elegant, though, and would surely impress your boss, Features Editor, or other certain someone who might not otherwise be impressed.

Gray Rabbit's Chocolate Dippery

108 Grant
The second in the Grant Street



Gray Rabbit's Chocolate Dippery

chocolate row is this rather industrial-looking chocolate store specializing in fruit-chocolate combinations — which are vaguely more appetizing than they sound.

Blueberry, pineapple and banana truffles are a veritable assault on the senses at only 70 cents each.



Chocolates From Chocolates

Fresh fruit chocolates are the specialties at \$11.99 per pound, which we are told are quite good, although they were out of them when we were there.

Also available are the intriguing chocolate dipped Oreos, sugar plums and caramel corn.

As part of Chocolate Awareness Week (running through Christmas), if you buy three of anything you get a fourth free. Although these are "fun" chocolates, they are probably best left to "fun" people, like aunts and second cousins at holidays.

Joseph Schmidt Confections

3489 16th & The Java Bean (see below)

Joseph Schmidt chocolates are traditional truffles made with traditional molds. Voted the overall best tasting by our committee, these chocolates are very rich and creamy. Although we did not visit the factory on 16th, we were told that it can be quite an informative and interesting trip.

See's Candies

All over
We don't think that Mary See realized what a hit she would be when she started making these things. It is truly refreshing to go into a chocolate store which makes more than truffles. Light and dark chocolate in scotchmello, marzipan and divinity are just the beginning, not to mention bonbons that make one want to hole up in bed for the day with re-runs of "I Love Lucy." Truly an American tradition and a real deal at \$11.20 per pound.

Special holiday chocolates are always available and free samples are still given!

San Francisco Chocolate Co.

The Java Bean, 19th at Castro
Besides the fact that these are excellent hand-dipped chocolates

in a variety of traditional tastes, we can't imagine a more pleasant place in which to eat them. The Java Bean is an old-style coffee store with floor-to-ceiling wood shelves containing imported coffees and teas, chocolate cordials and penny-candies. The aroma is

great, the atmosphere is charming and the owners are pleasant and helpful. Joseph Schmidt chocolates are also available here.

Teuscher

255 Grant
For a bit of Old World charm



and attention to quality, we don't think that you can top Teuscher's chocolates. Flown in weekly from Zurich, Switzerland, where Mr. Teuscher has been making them for over 50 years, these chocolates are well worth the \$30 per pound price tag. Rated the best in New York City by Gail Green, the champagne truffles are pure heaven.

The store is worth a visit in and of itself to see the hand-made decorations and fanciful gift boxes which are also brought over from Switzerland. We can't give this place a high enough recommendation.

Brand X

Emporium Basement
Chocolate Monopoly tokens, money and property deeds are a delight and only available here so far as we know. Worth seeing if not buying — probably not, however, to be eaten as is often the case with "cute" chocolate.

Talking Heads Latest Reaches For Popularity, Misses Greatness

By DINO VALEZ
Staff Writer

The history of the Talking Heads is a wonderful pattern of growth and evolution. They began in 1975 as part of the punk scene of CBGB's in New York. Although at that time they were searching for an identity, one could have described them as an intellect in the body of new music. Their first two albums, "77" and "More Songs About Buildings and Food" gave them their first hits, "Psycho Killer" and a great cover of Al Green's "Take Me to the River".

Their next two albums, "Fear of Music" and "Remain in Light," were darker, and fervently explored African rhythms. The band's experimentation produced the apocalyptic anthem, "Life During Wartime," and "Once in a Lifetime," a song that's so good they still play the video regularly several years after its original release.

During the last five years progress has evolved into success. Tina Weymouth and Chris Frantz, the legally married rhythm section of the group, created the Tom Tom Club and outsold any previous Talking Heads album. Together, the group had tremendous success blending all of their accumulated knowledge into the sophisticated funk of "Speaking in Tongues."

Recently, David Byrne, has had his face on the cover of *Time* with the accompanying story hailing him as "rock's Renaissance man," a label earned not only for his leadership of the band, but also for his efforts in "The Knee Plays" adapted from Robert Wilson's "the CIVIL WARS" and his job producing the current film "True Stories," which presents the people of the fictional town of Virgil, Texas and their unique lifestyles.

The album "True Stories" contains the Talking Heads' versions of songs from the movie. It has been called their most

accessible record to date, and the single, "Wild Wild Life," has been called the album's cornerstone due to its commercial acceptance.

"Wild Wild Life" has a nice simple beat with easy hooks, and the idea of wild life to complete a fun package. It's a song that one would expect to hear from the whimsical side of the group.

The rest of the side, however, uses the accordion and pedal steel guitar to give one an insincere feel of Tex-Mex, country, and Zydeco. For instance, "Radio Head" has a "jumping bean" sound similar to Nick Lowe's "Half a Boy & Half a Man" or Todd Rundgren's "Bang the Drum All Day."

"Dream Operator" and "City of Dreams" make easy use of the country sound, along with good percussion added by guest Paulinho da Costa.

The more interesting flip side begins with "Love for Sale," a ripping head-on tune with subtle mixing and good guitar riffs by

Jerry Harrison. The song flexes enough power to compare favorably with X's "The Hungry Wolf."

The dance club hit, "Puzzlin' Evidence" follows up with a sound that mixes a beat made for a 45 rpm merry-go-round with the gospel of the Bert Cross Choir. The result is a tune that ends up making you feel like throwing your hands in the air and joining in the celebration.

The third song, "Hey Now," synthesizes the accordion sound with handclapping and an elementary school choir to produce a song sounding like a Zydeco party imported from the heart of Louisiana.

The album's last song, "Papa Legba," has an African sound with primitive percussion and chanting that hisses through one's head. Although it's a good tune, "Legba" doesn't fit well with the rest of the material on the album and belongs more appropriately on an album like "Fear of Music."

Overall, buy the album because of Side Two. The way the band uses choir and accordion is fun and interesting, and you'll wear out the vinyl. Side One troubles me because the country sound has been done better by others and seems here like a superficial treatment of a good genre of music. Maybe one shouldn't expect so much, but over the past ten years the Talking Heads have been such an interesting story, that a good but not great album isn't enough.

Rating: ***

Rating system:

- ***** Buy it even if you don't like music.
- **** Buy it if you like music at all.
- *** Flawed, but buy it anyway.
- ** Don't buy it unless you're a big fan of the group.
- * If you buy it, don't tell anyone.

Hastings Chapter Of Amnesty Strives For Greater Activity

By DREW BENDON
Staff Writer

The Amnesty International Chapter at Hastings is making an attempt to become a viable part of the larger organization. Last year the group received funding from ASH but had a difficult time recruiting interested individuals. Revived in part by a new group of interested students, and in part by the individuals involved last year, the group will attempt to marshal greater support for the international organization. The group hopes to invite speakers on human rights to Hastings to raise campus awareness of the organization and what it represents.

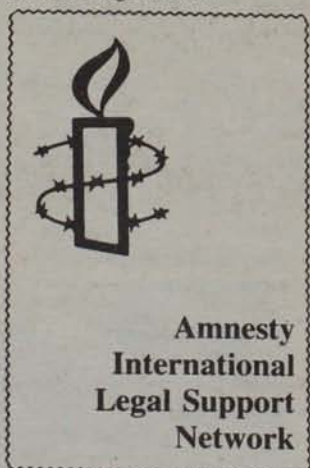
Founded in 1961 by British lawyer Peter Benenson, Amnesty International works on behalf of political prisoners, and prisoners of conscience, in an effort to bring about their release. Since its founding AI has worked on behalf of more than 25,000 prisoners. One hundred fifty of these prisoners adopted by groups in the United States were released last year.

Amnesty International has membership and supporters in excess of 500,000 people in 150 countries. The nexus of the operation is in London where the research department, with a staff of 150 people from 20 countries, collects and analyzes information about political arrests, persons facing torture or death penalty sentences, and other possible violations of human rights, in an effort to determine what type of action (if any) to take on their behalf.

The organization focuses on winning the release of prisoners of

conscience, fair and prompt trials for all political prisoners and an end to torture and execution in all cases. Amnesty International was awarded the 1977 Nobel Peace Prize for its attempts to facilitate world-wide observance of the United Nation's Universal Declaration of Human Rights.

Below the London headquarters the structure of Amnesty International includes a supervising group in each country, regional centers and local organizations.



After the London headquarters has researched the details of a political prisoner's case, the prisoner is "adopted" by one of the local organizations, a community-based group. Campus chapters which work on specific campaigns do not adopt prisoners. These local groups become members of the larger organization by petitioning their support in good faith. Once accepted, these local organizations write to, and on, behalf of the prisoner to whom they are assigned. The local groups help to publicize the plight of these individuals and to organize actions

on their behalf. Members of specific professions may be involved in work on behalf of colleagues and peers abroad.

Lawyers may work on behalf of colleagues abroad, or assist in research and offer advice to AI groups on relevant legal issues. To this extent campus groups at law schools provide important research capabilities and access to the legal community for questions regarding possible legal issues that AI might encounter.

At some schools research is done by students and submitted to respected professionals who, if the work is acceptable, sign and support the document. The Hastings' Amnesty International group would like to use the considerable weight of some of the faculty here in this process, which is referred to as "the faculty network."

Amnesty International at Hastings is a community group rather than a campus organization. As a result, Hastings AI will adopt a prisoner, possibly a lawyer or law student in another country. The group hopes that this will attract prospective members and participants.

Hastings' AI advisor, Professor Brian Gray, is himself active in the organization and with other human rights concerns. Professor Gray, along with Professor Prince, hopes to arrange a human rights seminar with the possibility of externships and case work for next year.

For more information about Amnesty International in general or the Hastings group, including meeting times, contact Tanya Smith through SIC or check the bulletin in the Amnesty International folder at SIC.

EventsEventsEventsEventsEventsEventsEventsEvents

The San Francisco Press Club
555 Post Street

The "Poetry at the Press Club" series begins with poet Robert Creeley on Friday, Nov. 15 and Michael McClure on Friday, Nov. 21. A \$5 donation is requested.

San Francisco Public Library
Across the street

The Library's big "Make noise at the Library" Party/fundraiser will be held Mon. Nov. 17 from 6 to 8 p.m. Lots of fun for those who don't get enough time in our own library. Admission is \$10. Call 392-4400 for more information.

The S.F. Art Institute
800 Chestnut

Work-in-progress murals painted directly on the walls of galleries at the school are on view through Dec. 20 as part of the Murals Project.

Club 181
181 Eddy

Sub Verses, a satirical review with Dave Lippman and Dominique Di Prima plays Thurs., Fri., and Sat. through November 15. Admission is \$5 on Thursdays and \$8 Fridays and Saturdays.

Mary Address Gallery
78 Ringold St.

Augustin Pozo's small paintings on wood will be on display through Nov. 22. Pozo's miniatures display the dilemmas of modern man.

The Bay Bridge
The Bay

The big 50th birthday party is set to go Nov. 14 with a bigger fireworks display than the L.A. Games closing ceremonies. The lights and flags are already in place, but the giant candle along one of the pylons is yet to be seen.

The Palace of the Legion of Honor
Lincoln Park

An exhibition of the complete works of Mac Harschberger opens Nov. 22. Harschberger, who died in 1975, is best known for his graphic arts portrayals of the Art Deco fashions of Paris and New York in the 1920s and 1930s. Also included will be a series of illustrations for Oscar Wilde's *Solome*.

The Jewett Gallery

An exhibition of portraits and statues of Genesha, the Indian remover of obstacles with an elephant's head and a dwarf's body will open November 15 and run through Mar. 1, 1987. Many fine examples from Java, India and Tibet are included from the Avery Brundage collection.

The Great American Music Hall
859 O'Farrell

The Music Hall's nightly programs continue with the Zazu Pitts Memorial Orchestra on Nov. 21 and 22; an Evening with Val Diamond (Beach Blanket Babylon) on Nov. 18; and Pride and Joy on Nov. 28. Other programs are also coming up; call 885-0750 for information.

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EDITORIAL

Cornering The Market On Morality

One of the nice things about law school is that when you stop for a moment and take a survey of the intellectual landscape, the various peaks and valleys are always colorful, often amusing, sometimes educational though never distinct. The extremes, and our relationship with them seems to shift, and we watch the topography change as we maneuver our own social and political identities through the morass. What looked absurd and extreme only a week ago, today provides ideological bedrock; what was then a sacred Rubicon we vowed never to re-cross is today only so much water under the bridge. And the more political battles we choose to fight, it seems, the more we are forced to acknowledge and leave unfought.

Some grasp this and adapt themselves appropriately, carefully choosing the time, place and degree of their carefully reasoned assaults. Some don't, and the result is a lashing-out, a flailing of the intellectual arms in adolescent apoplexy. Often they stir up bitterness and hatred in their wake and alienate from civilized debate any and all who don't see the world in the same stark shades of black and white as they, not to mention many potential allies who are repelled by their methods and narrow vision.

As most students know, there is a group on campus which has corporately appropriated to itself the onerous duty of keeping certain issues at the forefront of the collective Hastings conscience, and harbors not a little smug sanctity in its unshakeable belief that it could not possibly be misinformed or misguided in any way. This year, the Hastings chapter of the National Lawyers Guild (NLG) will not permit us to forget, even for one minute, that the Reagan Administration is waging an illegal war with the Sandinista government in Nicaragua. Not that we should forget; it's an important issue and one not likely to disappear by our neglect. But the issue here is not Nicaragua; the issue here is the NLG.

Early last month, the CIA was scheduled to interview students for potential employment after graduation, an activity well within its rights. In response, the NLG made plans to picket this activity — an activity well within its rights — and circulated wordy petitions rehearsing to any who would listen to the most recent dastardly perpetrations on the CIA's resume, notably, and exclusively, those committed in the Contra effort. After the CIA publicly rescheduled their interview sessions, the NLG's failure to note the change foiled their picketing efforts. Standing there with egg on its face, the NLG did manage to muster the requisite audacity to cry "FOUL," and to canonize a sub-group of martyrs comically dubbed "The October 7th Group."

Shortly after this, the NLG invited students to attend meetings during which the topic "What to do about U.S. imperialism towards Nicaragua" was scheduled to be discussed. But the invitations were amended to note that "imperialism was a 'dirty' word, but murdering people is far dirtier," and also that "all were welcome." Sounds like a church picnic.

The questions that beg to be answered are two: Where did the NLG get its corner on the market of self-righteousness? By what logic has it endowed the CIA with the corner on the market of insidiousness?

We at the *Law News* don't take issue with the extreme nature of the NLG's various pronouncements; extremes on both ends of the political spectrum help keep the middle where it is. Groups like the NLG help protect us from lunatic ensembles like Lyndon LaRouche's, while Mr. Falwell's Moral Majority provides a counter-balance for useless collectives like the "October 7th Group."

But the question is, by what abandonment of civility does the NLG march into our classrooms and SIC folders and issue its blind, blanket implications of the moral bankruptcy of any and all who disagree with them? An examination of the evidence indicates that the answer to that question lies in the sad assignment of Nicaragua to the role of this year's hot "limousine liberal" issue. We can only assume that the bloom is off the rose of such Golden Oldie favorites as El Salvador, apartheid, the Soviets in Afghanistan, Ed Meese, nuclear anything, acid rain and Jerry Garcia's coma. Take notice, Hastings; you're now free to think what you wish on these topics. Just don't cross the Sandinistas, that harmless band of Boy Scouts, or you're aiding and abetting murder. What will it be next year? No doubt the field is rife and ripe for the narrow-minded.

The next question is how, with hundreds of employers interviewing at Hastings, was the CIA so honored with the NLG's special treatment? Surely there must be a few hundred law firms whose indiscriminate advocacy of white collar scoundrels merits at least as much attention. We'd even be willing to bet that the Contras themselves have a lawyer in San Francisco. Or the South African government. But it's much easier to just look at the list, see "CIA," don a scowl and rehearse a few well-chosen platitudes, and off you go to a protest.

Come off it, NLG; grow up and take a responsible role in educating the community and solving real issues. Skip the hollow symbolic gestures, the name-calling and the back-biting. While you're patting yourselves on the back, people are dying in Nicaragua, El Salvador, Afghanistan, Iran, Iraq, Chile, Sri Lanka, Lebanon, Syria, Israel, South Africa, the Soviet Union...

Letters To The Editor

To the Editor:

We, the Associated Students of Hastings Council Members, as representatives of the Hastings student body, are very concerned about the Board of Directors allegedly improper use of more than one million dollars (\$1,000,000.00) from restricted scholarship and endowment funds as reported in the San Francisco Examiner

October 30, 1986.

We are in the process of vigorously investigating this alleged impropriety and have established a committee to gather information, explore all potential avenues for ensuring the repayment of the money and will recommend to the ASH Council a specific course of action at their next meeting, November 17.

We are actively soliciting student input in order to enable the committee to discharge its duties and serve the student body. Please address all inquiries and concerns to any member of the committee, as listed. Sherry Glassman, Rebecca Kleinman, Cathy Niemiec, Mike Kanellos, James Wong, Kevin Taylor or Steve Elie.

See Letters, page 14.

Penned From The Pig-Style JUDICIAL RESTRAINT, But First...

By DAVID DANIELS
Editor-in-Chief

Since it is obviously in my best interest to do so, I have become a great believer in the First Amendment. This new-found faith has come as a surprise to my friends (both of them), has caused frustration to my enemies; and, most curiously, has caused me no end of personal difficulty. I honestly wish I were the fascist pig that I have been made out to be, but consistency (if not conscience) requires that, shielding myself with the protections of the Constitution, I should extend that same protection to others as well — even at my own expense. And that is why, in answer to the many inquiries I have received on the subject, I allow Pat Evarson to throw stones at me from across the page.

I am not surprised to learn that Evarson has considered resigning from the *Law News* staff, and I daresay that Evarson will not be surprised to learn that I have been repeatedly urged (by the two individuals mentioned above) to ask for her resignation. This I will not do. Equally, however, I will not alter my position on the issues.

I will alter my position when I am in the wrong; and, since I so rarely happen to be in the wrong, I have no fear that such a concession will cause me much inconvenience. Having said all this, I am left to confess that last month, in this column, I not only said something I shouldn't have, but I launched it boldly into print against the advice of the entire staff. I therefore submit the following letter, which I sent to the President of the Gay Law Students Association on 17 October, in an effort to rectify matters as much as possible:

"I believe it to be inevitable that in the course of my term as Editor-in-Chief of the *Hastings Law News* I will make many mistakes and offend many people. Since I have always endeavored, nonetheless, to minimize my errors and deliberate my offenses it naturally causes me distress to learn that I have inadvertently offended anyone.

"In the present instance, it

appears that I offended you and the members of your organization by the use of the word 'queer' in my October column. Please understand that it was never my intention to cause offense to the Gay Law Students Association at Hastings, that I regret the use of the word in question, that I apologize for using it and purpose never to use it again."

Now that "retaining the justices" is a moot point, I am reluctant to comment on the subject. Since I do not know, as this goes to press, whether or not the third house of the California Legislature has been defeated at the polls, any remarks I might make would doubtless be misinterpreted either as sour grapes or as rubbing salt in the wound, and I am not one to kick a lady (or future Hastings professor) while she's down. Nonetheless, in response to the recent Tobriner Lecture, I feel compelled to make a few general points.

Amusing it always is to hear liberals going on about judicial activism. Even a cursory reading of the Constitution leads even the dullest student to the conclusion that social reform was intended to be the province of the legislature and that courts were brought into existence to interpret the law, not to create it. But social activists prefer to circumvent our nicely balanced system to promote their own ends; and, since revolution is no longer respectable in this country, they resort to the manipulation of the judiciary.

Of course, judges are human and cannot prevent a certain amount of bias from creeping into their decisions. Confronted with a sympathetic case, it is all too easy to fix upon a result and then tailor the "law" to serve that result. When this occurs inadvertently it is lamentable, but perfectly understandable. When such result orientation is pursued deliberately, on the other hand, it is disgraceful.

Because the judiciary, in practical terms, is answerable only to God (and that may be merely a matter of seniority), judges should exercise a heightened degree of self-restraint. Our constitutional

system demands that legislatures, both state and federal, carry out the will of the people by enacting laws to govern society. The courts have been granted no such powers. Of course, judicial activists love to point to decisions such as *Brown v. Board of Education* and remonstrate (quite accurately) about the failure of the legislature to come to grips with desegregation. Most judicial conservatives stumble at this point because they are not prepared to say (at least not in print) that *Brown* is bad law. I suffer from no such hesitation. *Brown v. Board of Education* was clearly bad law. I do not argue with the result, but that is just the difficulty with result oriented decisions: The immediate effect is often good, but the damage to the fabric of the Constitution is irreparable. In one ill-considered stroke, the Supreme Court in *Brown* broke with precedent, usurped legislative authority and amended the Constitution without the consent of (or even consultation with) the people of the several states. If the result has been beneficial, then we can indeed be thankful that God is senior to the Supreme Court.

Trail Of Slime

Assemblyman Art Agnos, whose leering portrait one may find prominently displayed on a recent issue of the "Recorder," has evidently decided that the easiest (if least honorable) route to the mayor's office is paved with the good name of Hastings College of the Law. This unscrupulous man, content to ignore the poverty plaguing his own district (and apparently impotent to alleviate it) hastens to serve his personal ambitions in Willie Brown's district by accusing Hastings of oppressing little old ladies and plundering needy children of immigrants. I am not prepared to comment upon the truth or falsehood of the Auditor General's report, having received it only recently, but I am quite prepared to express my revulsion at the motivation behind it. Mr. Agnos has left a trail of slime upon the sidewalk of local politics.

OPINION

Honi Soit Qui Mal y Pense!

Gymnasium Should Receive Higher Priority

By GERALD TOMASSIAN
Columnist

About eight weeks ago, some other basketball hopefuls and I decided to play at the YMCA near campus. It wasn't long before we realized that this would be our first and last visit. Arguments and fights were the main activity, with basketball running a distant third. One of my more passive friends from Hastings nearly had to resort to violence to protect himself from cheap shots delivered by a local member, while yours truly came within inches of having a vicious elbow make an indentation on his face. The pungent odor of cheap liquor was debilitating if one guarded his opponent too closely.

All this made for a miserable evening and little opportunity to

work out. One thing is abundantly clear; Hastings is in dire need of an athletic facility.

The Administration has had various plans for such a facility, and has implemented none. The regularly cited excuse has been a lack of funds. The facts are that Hastings already owns a gymnasium, located in the basement of McAllister Tower.

Its wooden floor, ordinarily the most important and expensive part of a gymnasium, is in very good condition, requiring only a good cleaning and refinishing. There are no baskets — however, and the lighting would have to be modified. But the point is that we have a gym and now we need the Administration to realize the importance of making this facility

operable.

The most important benefit of having an athletic facility would be the marked improvement in the overall health of students. There are few better ways to relieve tension than a hard workout. I hope I don't have to remind all of you how psychologically and physically stressful law school is. I am sure the Administration would not mind a lighter and less costly workload for the health center due to a healthier student body.

An athletic facility would also have a unifying effect on the Hastings community. I would hope that faculty and staff would be eager to have joint access to a gymnasium so close to campus. Currently, students and faculty

must use athletic facilities located all over the city and Bay Area. Any interaction between the students themselves and with the faculty outside the academic environment could only have a positive impact on Hastings.

There is the issue of expense. Since many of us pay fees for the use of private facilities, there is no reason why Hastings couldn't assess fees similar to those by other UC schools. If each student were charged \$25 per semester, approximately \$75,000 could be raised in one year. Many students already spend five to six times this much for memberships at private facilities. Besides, didn't we just inherit the ABC-TV building next door with its thousands of dollars worth of equipment just lying there waiting to go to market? What are we waiting for, a license from the FCC to bring KLAU on the air?

Hastings has the resources to provide its students with an athletic facility. We need only to convince the Administration that such a facility is of the highest priority and that the time has come for action.

Note

Albeit fashionable of late to denigrate the National Lawyers Guild, I have chosen not to criticize this organization solely on the basis of its positions on various issues. Except for a few laughs, I have even been reluctant to

comment on their protest against the CIA conducting interviews at Hastings. One can only characterize that debacle as a rare case where the cat had to outsmart the rat.

However, in the last issue of the Law News, the NLG overstepped the bounds of credible behavior when it threatened the Hastings community with "boycotting, protesting, or picketing" this year's commencement ceremony, if the President were to speak. How dare they try to bully Hastings into changing any plans for graduation.

First they try to forcibly prevent students from interviewing with a government agency, and now they try to intimidate the student body with threats of disrupting our commencement ceremony. This organization is rightfully quick to assert its freedom to choose, but it is equally hasty to deny that right to others.

I hope that I would not be alone in casting these individuals out by the seat of their pants should they choose to disrupt graduation. Well, maybe some of Hastings' "finest" could act more expeditiously than a group of incensed students. Graduation is a special occasion for both students and their parents. No individual or group should take it upon themselves to ruin such an important event, when there are other more suitable avenues of protest.

Dissenting Opinion

Why I Am Bored With Daniels

By PAT EVARSON
Columnist

After reading the last issue's editorial on the National Lawyers Guild and that ridiculous commencement speaker poll, I was ready to stop writing for the Law News. I was tempted to turn away and pretend that there was no newspaper at Hastings. I particularly did not want to write about David Daniels again. He has admitted that he prefers notoriety above all else, so I can only assume editorials will be aimed at keeping himself in the limelight all year. I am, above all else, bored by Daniels.

Then I told myself: No, go ahead and write the column, but ignore Daniels' ridiculous allegations that only mediocre people oppose the Hastings College grading system, that California has public interest law schools to choose from, that students who oppose CIA recruitment on campus are fascists, and that people are somehow hypocritical if they attend law school while opposing the fact that these schools predominantly represent the interests of the rich.

I am compelled, however, to mention in passing that the commencement speaker poll was heavily slanted toward Reagan, with three out of the five choices stating the same thing. I am also compelled to mention that my comment to the Law News was not included in the poll: I oppose Reagan speaking at Commencement because I do not want my graduation to be disrupted by demonstrations inside and outside the auditorium. (The leftists of San Francisco have never been afraid of demonstrating their opposition

to the appearance of such notorious reactionaries as Bush, Weinberger or Kissinger in the Bay area. Why would Reagan's presence be any different? The month of May has traditionally been a great time for marching in the streets.)

Initially I planned on changing the subject. Pick a topic, any topic. But I was stymied. The deadline for this column passed and I had gotten nowhere. The urge to resign was growing stronger. In order to gain some perspective, I began writing about myself.

I am in law school as part of my continuing search for unalienated labor. I do not want to spend my life as a wage slave who just does her job and goes home to watch television, numb to the world. I want an active career pursuing social goals that will improve the quality of life for women and workers specifically, a career in which I can promote a diverse society in general. I do not want to be concerned with working a certain number of hours a week or with how much money I can make or what some boss thinks of me. My status as a Hastings student is not inconsistent with any of those goals.

Enrolling in a public interest law school would have been nice, but unfortunately I could not find one. According to the Public Interest Law Clearinghouse, the only public interest law school in California is New College, a private school which costs thousands of dollars a semester and is not ABA accredited. Because it is a state college, Hastings is affordable, has a good location and is accredited. On the other hand,

Hastings has a stifling atmosphere, which is the result of oppressed young professors, oppressing older ones, a grading system that pits students against each other and does not reflect learning and, finally, an administration embarrassing in its concern with making money and maintaining the status quo.

The Guild has provided an alternative to all of this and, in doing so, has saved my sanity. During my first two years at Hastings, I was active in the Guild. This year, a heavy course load and a part-time job keep me from participating fully in Guild functions and I miss it. The Guild has helped me keep my perspective during a law school career that pushes all of us toward jobs with big law firms and lives over which we will have little control, lives geared toward making it in the legal hierarchy.

The Guild's opposition to on-campus recruitment by the CIA, a national secret police force that ineptly exports terrorism in violation of both domestic and international law, is not fascism, but obviously a stand against fascism. Under fascism, there is no rule of law except power, and that is the game played by the CIA and Reagan, if not within the U.S. proper, then certainly around the world. Students interested in this sort of thing can apply off campus. The important thing here, however, is that the CIA is being actively opposed by Hastings students and not ignored. Democracy is endangered whenever people pretend ignorance and fail to take a stand against the misuse of power.

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Sodalitium Caritatum Super Omnia Est*

OPINION

Vietnam: A Tragedy Of Contradiction

By HENRY H. LIEM
Guest Writer

"Internal contradiction, without it, there will be no progress." Is that Blake? No, absolutely not. That's Karl Marx. An electrical shock runs through my nervous system when I hear these words.

"Marx was born to the accumulation of suffering of the human being, of the race." My grandfather once told me. "Marx's frustration and his genius went beyond petty revenge. He chose to become a god himself. He was a new creator after God. And after Marx, history became conscious of itself. That's when tragedy stepped in." I remember that statement of my grandfather's philosophy about the conflict between the Vietnamese Communists and Nationalists. His philosophy was that of a peasant. Simple, sensical, and Taoist — of course. My grandfather was a man of no nonsense contradiction. He always told me to remain calm in turmoil and be a "quan-tu" — an

intellectual — and face the world courageously. He accepted predestination to the point of absurdity.

To me, then, my grandfather's life was like a pond lost and forgotten somewhere in the jungle of Southeast Asia. His existence was nothing, and has no place in this world. I was a rebel. I challenged him with my naive but unanswerable questions. He asked me to study Chinese as my principle foreign language. I told him, "The West has won." And I studied English instead.

One day, he told me, "The world that you'll be living in will be more tragical, more confusing. Peace will be harder to find." I asked him why. He said, "too many people now know about justice and peace. They will wage war to attain these two."

That's the past. Before Americans came my village was peaceful. There were no laws, regulations, codes, ordinances to govern the people. Rivers ran their courses.

Children played their games. Adults were under the strict moral guidance of the elder-council, the Buddha, the ancestors. The graveyard was more powerful than a police department. Villagers were afraid of karma, of ghosts. And peace prevailed.

It's not that Americans brought trouble. It was the West — from the time of French colonialism — which brought contradiction. In the mist of confusion, naive Vietnamese intellectuals discovered Marxism. That's when the fire began burning intensely. And it's not extinguished yet in Southeast Asia.

I remember reading Rostow's "non-communist manifesto", "*The Stage of Economic Growth*". Rostow says that "external intrusion" is a necessary factor for a traditional economy to take off. I think he's right. Without French and American bombers, my grandfather would still be content with his buffalos, Taoism and hot

tea. The West challenged my village. It was like a hurricane from the ocean. Ruthless but necessary. It woke the villagers hidden a thousand years behind bamboo trees and made them face reality. The West gave another lesson: Take advantage of human nature with its contradiction and shape your own destiny. Half of Vietnam took Marxism to shape a proletariat's destiny. The other half lost direction and was conquered.

Today, I inherit the aftermath of war. "They made a wasteland and called it peace." That's right, Tacitus. My younger brother now in Vietnam feels so proud of the new found Marxism. He sends me letters full of poetic writings praising Marx's legacy. Here I am, tears running down happily, hoping that my brother will find happiness in that much debatable philosophy. But what could I tell him. I am, to him, a trained capitalist "running dog". He is a country boy happy with the

Communist manifesto, Ho-Chi-Minh's rhetoric, and a yellow-star flag in hand.

"When half of a nation believes in Locke and half in Marx, the result is not law but philosophy." That is American Louis Hartz. To Hartz, the task of judicial consideration is impossible when fundamental beliefs and values cease to be widely shared. I have nothing to tell my brother. It's not that we are a contradiction, we're just an ocean apart.

To me, law is a luxury, but every time I look back to Vietnam I want a legal system, like that of the U.S., even with its many shortcomings, to be built there. But the people of Vietnam must start somewhere.

"There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things." That's common sense, isn't it? It's from Machiavelli, and it's true. My brother believes in "brotherly cooperation" under communism. I don't. Human beings are too fallible for that. I believe in competition. I am in agreement with Leszek Kolakowski who says that when altruism is mandatory, it's worse than competitive capitalistic greed. My brother wants no contradiction among people. I believe that contradiction is necessary for progress provided that it's governed by judicial principles of shared values.

But for the time being, I write him regularly and avoid politics. I feel nostalgic for my grandfather's days, but they're gone.

Failure At Reykjavik

By BRANT DVEIRIN
Guest Columnist

The primary reason for arms control should be to increase strategic stability. Such an increase in stability did not result from the Reykjavik meeting between President Reagan and Secretary Gorbachev. Even if the various

proposals presented by Reagan and Gorbachev had been accepted, a significant increase in stability would not have resulted. The best that can be said is that the Reykjavik meeting, had an agreement been reached, would not have made matters worse. True, the proposed agreement would not have increased the chance of war, but neither would it have lessened the likelihood of conflict.

At Reykjavik, Gorbachev proposed a stunning 50% cut in strategic weapons to 1,600 delivery vehicles (launchers) and 6,000 warheads. In return, Gorbachev wanted a ban on the field testing of SDI. Reagan could not agree to limit SDI to lab testing and hence the massive reductions did not materialize.

Did Reagan do the right thing? Should Reagan have refused to limit SDI to just lab testing? The answer to both these questions should be a resounding "yes." The proposed "massive" cuts would not have increased strategic stability. President Reagan should not trade SDI for massive reductions that would not significantly increase strategic stability. SDI should only be abandoned or curtailed in exchange for reductions that truly would make the world a safer place. If an agreement could be reached that truly increased strategic stability, then SDI would be less needed; and hence the U.S.

should be willing to modify or even abandon the program.

The truth of the matter is that the massive reductions proposed at Reykjavik would have done little to lessen the threat of a surprise attack by either side. The reason for this is that the proposed 50% cut would not have significantly reduced the ratio of attacking warheads to enemy launchers.

In the 50's and 60's, when launchers were inaccurate and only had a single warhead, there was no incentive to launch a surprise attack. To do so would have taken more than one attacking missile to destroy an enemy launcher. Since both the Soviets and the U.S. had roughly equal numbers of launchers, neither possessed the capability of destroying the other's forces. With total destruction not being possible, there was no incentive to strike first.

With the advent of accurate multiple-warhead missiles this all changed. The incentive is now to strike first. With so many more warheads than missiles, a first strike is not only possible, it is the preferred course of action. In the era of the multiple warhead missile, only a fraction of an attacker's missile force (because each missile has so many warheads) needs to be used to destroy the enemy's entire land-based missile force. Destruction is therefore possible with the incentive being to strike first and not have your entire force

destroyed.

The agreement proposed (and almost agreed upon) at Reykjavik did call for massive deductions in strategic weapons. The problem is that the reductions called for, if implemented, would not significantly reduce the ratio of attacking warheads to enemy launchers. The capability of still being able to strike first using only a fraction of the attacker's forces would have remained unchanged. The danger of a surprise attack is just as great with 6,000 warheads as it is with 12,000.

In short, SDI should only be abandoned as part of an agreement that actually helps lessen the likelihood of attack. The "deep cuts" and "massive reductions" envisioned at Reykjavik sound appealing. What is truly needed, however, is a reduction in the ratio of attacking warheads to enemy launchers. What would be ideal would be a ban on multiple warhead missiles altogether, thus allowing the possession of only single warhead missiles. With the two sides possessing roughly equal numbers of single-warhead missiles a successful first strike would not be possible. As stated previously, with single warhead missiles an attacker could never destroy the entire enemy missile force. As the threat of a surprise attack would be greatly reduced, SDI would no longer be as important, and could easily be abandoned or curtailed.

REAGAN POLL

In response to a poll featured in the October issue of the *Law News*, 3rd-year students for the second time indicated their support for Ronald Reagan as Commencement speaker. 62% of those responding to the poll voted in favor of inviting the President, while only 36% said they were opposed. Two percent of the responses either indicated no preference or were invalidated because they lacked a student identification number.

Since the poll was conducted passively, it should not be regarded as scientific or conclusive. Due to an editing error the first part of the poll did not contain a balanced series of questions; responses recorded in that section were not considered in tabulating the results.

LAW NEWS OFFICE

Students and staff interested in speaking with or meeting with the Law News editorial staff may do so at the following times:

Monday: 11:40 a.m.-12:30 p.m. (Michael Bollard); 2:40 p.m.-3:30 p.m. (David Daniels).

Tuesday: 2:40 p.m.-3:30 p.m. (David Daniels).

Wednesday: 2:40 p.m.-3:30 p.m. (Chris Palermo).

Thursday: 10:40 a.m.-11:30 p.m. (Chris Palermo); 12:40 p.m.-1:30 p.m. (Charles Melton); 2:40 p.m.-3:30 p.m. (David Daniels).

Friday: 10:40 a.m.-11:30 p.m. (David Daniels).

The foregoing schedule is subject to change after January 1, 1987. The offices of the Law News are located in room B-27 of the 1988 McAllister Building (basement); the telephone number is 565-4786.

Administration Continues To Emphasize McAllister Tower Development

By MCGREGOR SCOTT
Staff Reporter

The Hastings community will see a continued emphasis on development of the McAllister Tower facilities in the years ahead, according to Dean Bert Prunty. The Administration views this development as an integral part of long-term planning for the school.

The building now known as McAllister Tower has long been a distinguished landmark of the Civic Center area. When it first opened in 1929 it was called the William Taylor Hotel and was the tallest building in San Francisco, as well as the tallest hotel west of Chicago. The Tower originally served the Methodist Church as a source of housing for missionaries; public room rental proceeds also benefitted the church. In addition, a Gothic cathedral-like Great Hall was built to serve the Methodist Community as a chapel.

In 1934, however, the building was sold to private developers, who reopened it two years later as the Empire Hotel. The Hotel's most prominent feature was the Sky Room Lounge, a bar offering a 360 degree view of the City. This panoramic lounge predated the more famous Top of the Mark by

three years.

With the outbreak of World War II, the Federal Government appropriated the Tower and turned the Great Hall into a military induction center for the Selective Service. The government constructed a false ceiling and numerous cubicles, completely altering the facility. After the war, the IRS replaced the Selective Service, and continued the subdivision of the Great Hall and other facilities.

In 1977, the Government consolidated all its operations in its new Golden Gate Avenue facility, and the Tower was declared surplus property. Hastings was able to acquire the building through a \$7.28 million College Housing Act loan from the then still extant Department of Housing and Urban Development. In addition, funds acquired from the private sector helped underwrite the ensuing renovation. Title was transferred to the College in 1980, making the transaction complete.

Since then planning, reconstruction and renovation have been an ongoing process for the Tower. Currently, the first four floors are rented as office space to the City of San Francisco. On floors 5 through 19 renovation is complete

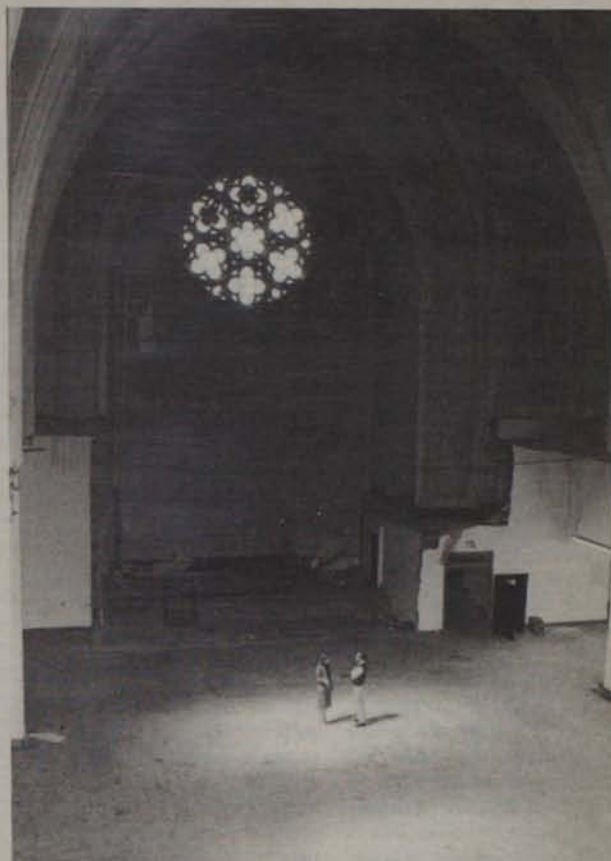
and 248 units are rented to students. Floors 20 and 21 are currently being renovated, with the intention of making living facilities on these two floors available to faculty members. The remaining floors will be renovated one at a time as funds become available.

According to Dean Prunty, development of the Tower's additional facilities will be a significant part of this renovation. At one time, a gymnasium with a full-length basketball court occupied the area under the Great Hall. Unfortunately, severe water damage occurred and the wooden floor buckled, rendering it unusable. According to Dean Prunty, the construction of a gym facility for students is a major goal.

The mezzanine facility currently used as a lounge area will also be renovated. The plan is to develop it into a room similar to the Alumni Reception Center, where meetings and other gatherings of the Hastings community can be held.

Although many people would like to see the Sky Room Lounge reopened as a social gathering place, "the economics of it dictate otherwise," according to Dean Prunty. With so many other projects going on within the Tower, there isn't enough money to fund the reopening of the Lounge.

The Administration intends to fully develop the Great Hall. Already, much construction work has gone into returning it to its original condition before the Government used the Tower. The overall plan is to use the Great Hall as another part of the San Francisco cultural scene. Since the facility is in such close proximity to the Opera and Symphony the



The Great Hall

Great Hall may be developed as a performing arts facility. An optimistic study was recently completed by the architectural planning firm of Robinson, Mills and Williams, indicating that such a facility would be of immense practical value to the San Francisco community. Based on this study, the Administration is proceeding with its plan for development of the facility.

Students can look for significant changes in McAllister Tower as Hastings seeks to develop this unique facility.

....

Great Hall Study Completed

In late 1985, with the generous support of the San Francisco Foundation, the San Francisco Hotel Tax Fund, the Walter & Elise Haas Fund and the 1066 Club, Hastings commissioned the San Francisco architecture and planning firm of Robinson Mills and Williams to lead a team of consultants towards completion of a facilities programming and planning study for a performing arts facility using McAllister Tower's Great Hall as the principal performance space. That study has recently been completed.

The Great Hall was constructed in 1929 to serve as a gothic-style cathedral. Central to the programming and planning study is the premise that the gothic volume and characteristics of the Great Hall are worthy of preservation. Maintaining, restoring and enhanc-

ing the Great Hall and several of the well-ornamented spaces adjacent to it is the basis of the study.

The study focuses on music, informally-staged dance and other presentation-type performances recognizing that the proportion, size and shape of the volume of the Great Hall give it an outstanding acoustical potential. The study eliminates fully-staged drama and dances as primary uses due to the necessity of creating adequate wing and loading space and installing flying scenery.

Converting the Great Hall from a church into a performance space with an audience capacity of 700 relies on major reconstruction of the congregation area and construction of a large stage. Besides the Great Hall, McAllister Tower contains adequate space next to the Hall to accommodate dressing rooms, storage space, and technical facilities and booths.

The next steps in this project are the completion of a seismic study of the Great Hall portion of the Tower and the construction of a detailed model of the performance space. The Tower portion of the building was determined to be structurally adequate when Hastings acquired the building in 1979. The Hall itself may require some structural modifications in order to accommodate supports for lights and acoustic paraphernalia.

When completed, the Great Hall Performing Arts Facility will offer a location suitable for a range of productions encompassing spoken and musical drama, chamber opera, chamber orchestra, dance and cinema. The Great Hall thus may become a major addition to the cultural life of San Francisco.

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Comedy Series

Continued from page 4

Chronicle—"...an oddball Iowa comic who tends to meander a little, but shows definite signs of brilliance," hardly gives adequate praise to a comedian who is creating a body of work that will someday be recognized as superior to any of his contemporaries. Just looking at this guy is hilarious: he's tall, wears baggy clothes, circular horn-rimmed glasses, his hair wildly exploding from his head in tufts sticky with styling gel.

Johannsen's hair, in fact, triggered him to embark on a long and side-splitting story about his preparations for the show; how, pressed for time, he cut himself while shaving feverishly so that he would have more time to yell at his girlfriend before leaving.

Furthermore, convinced that all strangers are extraterrestrials in disguise, who merely collect data through casual conversation, Johannsen befriends new people timidly, afraid that they will suddenly reveal their identities by tearing off their faces to display reptilian heads. Another fear is that the same aliens will suddenly

command obeisance by bellowing, in B-movie fashion, "my power is beyond your understanding!" Realizing the versatility of such a command, Johannsen ineptly tries to use it on a fellow human after cutting into a supermarket checkout line, and a brawny character assaults him.

Another episode finds the hapless Johannsen rocketing down the freeway only to have the oil-hazard lamp on the dashboard light up, which provokes a Pavlovian response instilled in the young Jake by his father, who told him just one thing about auto repair: when the oil light comes on, "pull over, dammit!" Which Johannsen does at breakneck speed, and because he knows nothing about auto repair, he eventually solves the problem by covering the indicator with masking tape.

...These are long journeys into hilarity, stories that require stamina to follow because the guffaws Johannsen generates take so much energy. This comic has revitalized the art, portraying himself as a fumbling but perceptive and precise nerd who runs afoul life's complexities at

every turn. He has updated Woody Allen and made him methamphetically nervous instead of neurotic.

The headliner, Rick Overton, is probably the best-known of the trio, but was a grave disappointment. Four movie credits ("Beverly Hills Cop"; "Airplane II") and protracted late-night talk-show appearances have made this fellow cold and crude; fully three-fourths of his set involved a langorous series of bawdy and rank observations about human copulation. The material amused only a small fraction of the audience; this reviewer was not among that percentage.

But the Stanford Comedy Series is an affordable alternative that lets you see top comics in a small setting: seats are only \$10 or less, beating the cost of tickets and cocktails at the club. Future Series nights will be held December 5, January 17, March 5, and April 4, all at 8:30 p.m. at Memorial Auditorium on the Stanford campus. Tickets are available at the Tresidder Ticket Office on campus or by telephoning 762-BASS. Further information on the series may be obtained by calling 723-1635.

Bay Area Backroads

Continued from page 4

dance floor while wielding hatchets in their hands. With each beat of the music they cut away at the logs in a rhythmic, almost mesmerizing fashion. It led us all to ponder whether perhaps this was representational art at its finest portraying the slaying of the members of the Borden family by Lizzy herself. Whatever it was, we didn't care, we were having fun.

As the evening drew to a close we began to wonder about whether all of our madcapped antics might have jeopardized our dates' chances at receiving a job offer from the fine firm for which they had toiled all summer long. This thought passed quickly as we noticed that there was a good glass

and a half of that fine German Beer left, and therefore we downed it in a last effort to completely obliterate our livers. Sometimes you just gotta say... (well, you know the rest...) We later found out the gamble was worth it, for both of the dates received job offers the following week. And they all lived happily ever after...

Bay Area Backroads is a monthly column which explores worthy, albeit somewhat obscure, travel spots which may be found in the vast resort areas surrounding San Francisco. However, for those of you who don't particularly care about what I do on my weekends, there is probably little reason for you to read this article.

STUDENT REGULATIONS

Continued from page 1

been accused of using the newsletter as an inappropriate forum for the expression of political views. Dean Lathrop's position on this, however, is to loosely enforce the regulation to the extent that groups are permitted to give some indication of that with which they purport to concern themselves. Lathrop believes that he has enforced the regulations — or not as the case may be — in an "even handed and fair manner."

Another group has been rather

openly fundraising on campus property. Although Dean Lathrop feels the violation was not readily apparent, when it became so he stepped in and mandated compliance with the regs. When the fundraising activities were being conducted inside the second floor lobby of 200 McAllister in violation of the regulations, he requested that they move outside — where the regulations permit such activities — as soon as it came to his attention.

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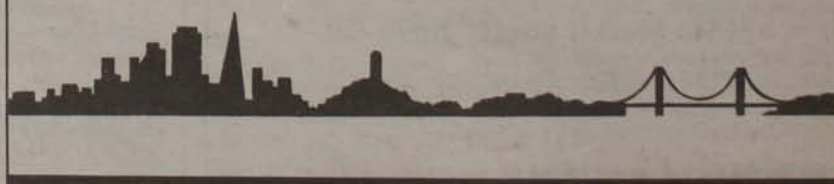
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Hamilton's Hints For First-Year Students

By HAMILTON CHURCHILL
Third-Year Know-It-All

The purpose of this article is to provide useful information concerning the first year in law school, especially as it pertains to examinations and summer jobs. The objective is to aid the first year student, but providing you with a long-term perspective. As you read this, keep in mind the three key elements of success: confidence, competence, and integrity. Acquiring these traits should not be postponed. Without them, your use of this information here will be severely limited.

I. Examinations

A. Generally

The importance of your performance on examinations cannot be overrated. Despite any vehement declarations to the contrary, necessity mandates that your grades are extremely important. This relevance extends from employment to journal participation. And if you were to weigh the relative importance of each year's grades, that of the first would predominate. You may thus draw your own conclusions.

B. The Fall semester

The fall term examinations should be used as an opportunity to hone your exam-taking skills. Your primary objective should be to maximize your performance in the particular class — Criminal Law or Property — which will be recorded that semester. Naturally, you will want to do well in the other classes, but don't be discouraged if you don't meet your expectations. Remember, you can alter your ultimate grade with a superior performance in the spring.

C. Christmas vacation

The value of the Christmas vacation period is enormously underestimated. Having been exposed to a law-school examination, use that knowledge by incorporating it into your outline. In addition, if you have failed to write outlines, do so now. An aside: the best outlines are based on the text and your lecture notes rather than commercial outlines. Use the latter only as a means of clarification.

D. The Spring semester

If you aspire to enter Yuppiedom, then success during the spring semester is imperative. Success is judged by the number of

law clerk offers you receive when interviewing during the fall semester of your second year; the computation of your class standing and grade point average are the employer's barometer of a student's value.

This is the period for maximum effort and devotion to duty. You must (a.) master the IRAC (Issue-Rule-Analysis-Conclusion) approach to exam writing, (b.) have adequately prepared outlines, and (c.) study. At this level of academic endeavor, the innate ability of individual students is roughly equal. The difference, the factor which distinguishes you from the horde, is the effort you expend to achieve mastery of your courses.

II. Summer jobs

A. Relevance

It is not hard to understand why work experience in the legal field would be particularly important. Like anything to which you have devoted your time, it is something that will distinguish your resume from the rest, making you more marketable. In addition, practical experience in the legal field will aid you to make career decisions and/or to learn about a particular field of legal practice. Remember, there is no substitute for observing and participating in the day-to-day work of the legal profession and no better training ground for future lawyers.

B. The elements of the job hunt

1. The resume is not an

autobiography. It is not an obituary. Rather, it is a document an employer reads with two things in mind: (a.) what can they do for me? (b.) what are they like?

A resume should be attractive. When employers pick up a resume that is poorly typed and sloppily reproduced, count on them throwing it away immediately. If attractive, it will get a 20-second scan for key facts or words that indicate you have something they need. If they don't bite on that 20 seconds, don't count on employers reading further. They won't study a resume trying to figure out how you can help them with their needs.

2. **Letters:** This includes cover, thank-you-for-interview, thank-you-for-office-visit, acceptance, and rejection letters. Think of yourself as a puzzle. Everything you do or say, everything that has your name on it is a piece of that puzzle, including your letters. No matter how small or insignificant it may seem, each carries a message about you with it. Make sure the message says what you want it to say. And don't forget that the way you present what you say is almost as important as what you say. Both form and content must be scrutinized for acceptability.

3. **Interviews.** The purpose of the interview is to evaluate your personality and your background and qualifications for the job sought. The basic factors which are scrutinized by the interviewer are

appearance, courtesy, poise, frankness and honesty, vitality, and knowledge. In an inaugural address at St. Andrews in 1867, John Stuart Mill stated that "Men are men before they are lawyers...and if you make them capable and sensible men they will make themselves capable and sensible lawyers."In other words, personal traits do matter. Why do you think law firms spend hundreds of dollars each year sending recruiters to the top law schools? Although grades and references are important, they believe there is still nothing quite as reliable or informative as a face-to-face assessment. And you have only 60 seconds to make a good initial impression.

C. The job search.

Generally, the first-year student's job search should begin during Christmas vacation. An alternative would be to participate in a summer law study program.

A job search requires planning and preparation. Your job-search plan provides the structure for personal control, thus functioning as a shock absorber. A regimented step-by-step marketing approach, objectively and innovatively pursued, will produce the best results.

2. Tips on job hunting.

(a) An in-depth look at employment openings and opportunities is the first step. Obtain lists of suitable prospective employers from such sources as the yellow pages of telephone directories and directories from professional associations. Your best bet for obtaining legal employment is in an area in which you reside, especially if that happens to be a medium-to-small city.

(b) Talk to friends, faculty, associates, family or any personal contact who may know of available openings or about prospective employers.

(c) Send your resume and cover letter to any potential employers, and state that you will be contacting them regarding an interview.

(d) Pursue all possible avenues, and don't become discouraged by a number of rejections.

(e) Prepare by learning all you can about any employer in which you have a strong interest. Then contact the person most likely to be in a position to hire you.

3. **The Office of Career Services (OCS).** Smart students will take advantage of the service and information offered by OCS, located on the second floor of the 200 McAllister building. Make intelligent use of your placement office and get an early start. In addition, the OCS provides free material concerning the more specific and technical aspects of the job search. Obtain them; they are extremely valuable.

Remember, the best quality you can take with you on your job search is *dogged persistence*.

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In Brief

Panel on Women in Law Teaching

On Thursday, November 13, 1986 from 7:00 p.m. to 9:00 p.m., a panel discussion on Women in Law Teaching will be held at the VIP Room at Boalt Hall. Women from all Bay Area law schools with an interest in teaching are invited. The panelists will be: Bobbie Barton of Boalt Hall, Ellen Borgersen of Stanford Law School, Lea Brilmayer of Yale Law School, Barbara Rhine of Golden Gate Law School, Nerissa Skillman of the University of San Francisco Law School, and Vivian Wilson of Hastings College of the Law. Rachel Moran of Boalt Hall will moderate the discussion.

Each of the panelists will briefly discuss how she entered law teaching and her experiences in law teaching. Afterwards, the audience will be invited to ask questions. Following the question-and-answer session, the Boalt Hall Women's Association, as co-sponsor of the event, will provide refreshments. Members of the audience will then have an opportunity to talk to panelists on an informal, one-to-one basis. We hope to see you there.

Arts & Recreation Schedule of Activities for 1986-1987 School Year

Sports activities planned for this fall include men's and women's intramural football and women's intramural basketball. Current tennis and runner directories are also available. In addition to the recreational activities, students can look forward to Wednesday night videos, lectures, and the end of semester party/beer bash.

In the spring, coed intramural softball and various fundraisers, such as Monte Carlo Night, a golf tournament, and a credit card application drive are possibilities. Other activities will be added depending on student interest.

Hastings International and Comparative Law Review

The Hastings International and Comparative Law Review is pleased to announce that Leslie Wellbaum's note entitled *International Human Rights Claims After Tel-Oren v. Libyan Arab Republic: Swan Song for the Legal Lohengrin?* won this year's Traynor award for the best student note published among the four law journals at Hastings.

HICLR members have received the annual Traynor award for four out of the six years since the award was first offered.

LETTERS

Continued from page 8

ASH

I feel compelled to respond to some items in previous issues of the *Law News* and to present my view of this fall semester as it has progressed.

The first items I take issue with are the pieces entitled "ASH notes." I don't believe that the characterization of debates within ASH notes gives the reader a full view of how the Council is working. Rather than singling out certain individuals, perhaps the author could name more people who spoke in favor or against a motion. In this way the student body would be aware of how more of their representatives are voting.

I also take issue with the attacks on our parliamentary procedure. I am fully aware of the basics of Robert's Rules of Order. Nonetheless, I have tried to give a little leeway in debates so that everyone with something to add to the debate gets a chance to do so. I believe the author of ASH notes is looking for form over substance. I happen to look for the converse.

Thirdly, I would like to address the column by "Pat Evarson." There are a number of inaccuracies in that column. First and foremost, I did not encourage Bob Yates to hold "the news (of Daniels' appointment) in order to avoid an outcry." Both Bob and I felt that David Daniels was eminently qualified to be editor-in-chief based on his prior experience in such a position. Nevertheless, we wanted to wait and see if any other qualified applicants would apply. Jon Scop, a prominent member of the NLG, had even strongly encouraged members of that group to submit applications. None were forthcoming. Therefore, shortly before finals, I concurred in Bob's decision to appoint Daniels.

"Evarson" states that "ASH should ratify the appointments made by the ASH President to the ESC." I refer the reader to the ASH Constitution, Article V, section 11 which explicitly states that all presidential appointments are subject to Council approval.

I don't believe that the names of candidates should be published. This is not a popularity contest. We are picking the Editor of a newspaper!!

One last point before I move on: Who is "Pat Evarson?" No one is registered under that name at Hastings. Why is s/he afraid to make these statements under his/her real name??

What has ASH done so far this year? We put together a budget for the student groups, leaving a reserve fund for later events and programs. While some may grumble about unfairness, the ASH Council spent five hours debating and scrutinizing each and every budget. There was no railroading of the finance commit-

tee's recommendations.

We also appointed the student representatives to the student-faculty committees ensuring a voice in what is going on here at Hastings. We were instrumental in getting Dean's Discussion Group Leaders for Con Law classes. We pushed for and got more benches on the Beach. We got the cafeteria to stay open an extra hour so you can get a cup of coffee before your last class.

I could go on for another column, but there are space limitations. Let me just end by saying that I and the other officers ran because we have a desire to improve the quality of life here at Hastings. If there's anything we are not doing and you feel should and can be done, please contact me or an ASH representative.

One final note...how about those Mets??

Steven J. Elie
ASH President

Lawyers Guild

To the Editor:

Mr. Daniels, we were quite pleased upon reading your commentary on the Hastings Chapter of the National Lawyers Guild. The Guild is clearly doing a fine job if your criticisms are no more substantive than a quarrel with the typeface on an old Guild flyer and gross generalizations of the organization's "silliness" and its members' "mediocrity."

The Hastings Guild counts approximately sixty members, whose backgrounds, politics, and study habits defy generalization. What the members have in common is a dedication to strive for social justice. This perception of social justice is derived in part from a basic moral conviction that all people deserve to be free from political oppression. It is an insult to each member's individual style and set of beliefs to categorize us with terms you bandy about at a polo match.

The abolition of grades has not been on the Guild agenda in recent memory. It has taken a back burner to our work on such issues as the Justices campaign, Nicaragua, South Africa, and the La Rouché initiative. Nonetheless, many of us do feel that grades are unnecessary baggage. Perhaps it is the assuredness of our motivations for studying the law and our goals for its application that leave us uninterested in pitting ourselves against our fellow students to impress large, downtown law firms.

With regard to the CIA recruiting, we made no attempt to prevent students from walking two blocks to interview with them. Our goal — our successful goal — was to restrain the CIA from using the campus itself as a recruiting base.

Perhaps, Mr. Daniels, you

would do best to retreat to your little desk, issue a retraction, and then get down to the business of training your reporters. The account of our last meeting quoted a "president," which we don't have, set forth five agenda items that were not even discussed at the meeting (and were apparently taken from the same old flyer you attacked), and failed to even provide the date of the meeting. These haphazard and senseless attacks on an organization whose activities you find offensive are simply a waste of everyone's time.

National Lawyers Guild
Hastings Chapter

To the Editor:

Political satire may not be dead, but who would expect it to be alive at Hastings? I was quite pleased to find some evidence of it in the Hastings Law News.

Of course, I am referring to the creation of the character "Editor-in-Chief David Daniels." At first glance the unsuspecting reader might believe that there is such a person. After all, we are in the Tenderloin, where the sight of people peddling their cakes is not that unusual. And since an absence of conscience, compassion and social awareness, with a narcissistic pride in being free of erudition and good taste, are attractive cakes to some law firms, it would not be that far-fetched to see someone with those qualities display his meager wares in order to be competitive.

But a 25-year old who digests reactionary political slogans at a polo match over champagne and caviar and who excretes puerile Goebels-style clichés while revealing aspirations of earning a six-figure salary, despite obvious cognitive deficiencies? No Sir! Only the redcheeked comics of ASH or NLG could create such a caricature.

Since the budding politicians of ASH do not suffer from an abundance of creativity, I believe that the NLG has conspired to poke fun at Hastings with this weird reactionary straw figure. Since I think that I am a member of NLG, I feel a little left out in not having been allowed to share in the fun of creating this DaDa cartoon. If I had been asked, however, I would have counseled not to overdo it. Let DaDa draw some fire by having him argue breathlessly for apartheid, as he did in a previous issue of the HLN. Let him attack NLG views on the supporting role of Hastings in the capitalist system. Let him argue for the merit of grades, the desirability of private philanthropy over socioeconomic legislation. Let him publicly scratch his head over whether the CIA is really involved in "fascist-style bullying," (nice euphemism for fascist terrorism, that one), and let him throw comical little insults at NLG members. Let him be the passion-

ate concubine of every rightwing demagogue, from LaRouché to Reagan, but do not overdo it.

Political satire has to be sensitive to its audience. By making this cartoon character utter hilariously dumb things about the liberal psyche and spouting dim-witted, pedestrian slogans you have made him unbelievable. A fictitious character must invite suspension of disbelief on the part of the reader. Depicting DaDa as an overly repulsive Archie Bunker you have rendered him too simplistic. We know that Hastings does not require genius in its applicants, but there must be a modicum of intelligence in the character of a law student in order to make it come alive.

You may have anticipated this criticism by letting your protagonist lament about the tragedy of an admission process that fails to screen out simple-minded adolescents. Yet I think that you have used too heavy a brush in creating DaDa. A touch of color and intelligence, some maturity and, perhaps most desirable, a dash of personality are sorely lacking.

But, as a first attempt at political levity in Hastings' recent history, it is not altogether unsuccessful. But be cautious. Even though a Rambo in the field of law has a certain comical potential, such entertainment easily deteriorates into a mindless form of escapism. Remember that the Dadaist period in art has left us with little more than a footnote on lunacy in the history of civilization.

L. (Louk) Wijnen

Daniels

To The Editor:

As far as I'm concerned you're too stupid to carry on any kind of debate. Your only purpose is to irritate people and you have no understanding of what debate is. Your South Africa hit was ridiculous in that it was poorly analyzed and factually incorrect. Give it up you idiot.

Stu Peacock

Dissenting

To The Editor:

I would like to express my apologies for the misunderstanding which has arisen from my use of a pen name on the Dissenting Opinion column. I never intended to be anonymous. I thought the Editorial Staff understood this, but I guess I did not make myself clear.

I am using the pen name of Pat Evarson for two reasons. First, I want the column to be a vehicle that permits collaboration. The views expressed in the column will be within the range of my own

political views, but may not be precisely those views which I personally hold. (So far, all the views presented in that column have been my own.) Secondly, I am not willing to give my name the public exposure that results from appearing above a regular opinion column. I do not mind people knowing that I am responsible for Pat Evarson, but I do not like seeing my name in print. Had I not been allowed this measure of flexibility and privacy, I would not have agreed to take on the work involved in producing the Dissenting Opinion column.

V. C. Lindsay

Letters to the Editor should not exceed 500 words and must bear identification of the author when submitted, though the Editor may, with good cause, choose to withhold the name of the author from print. The Editor maintains the right to refuse letters which are libelous, in poor taste, constitute an attack on personal integrity, are repetitive of letters in the same or previous issues or are lengthy. Letters must be submitted within two weeks after the publication of the issue to which they refer. Letters which are not typed and double spaced when submitted will be refused.

Loan Funds

Continued from page 3

Emergency funds are available to any student who demonstrates adequate need. However, access to funds is limited by various restrictions. Each fund, for example, is established by a particular Hastings association or alumnus. Before a loan may be disbursed to an applicant, he must meet certain specific requirements such as being a member of a particular first-year section, or of a designated on-campus organization.

This system gives rise to another problem with the program; some funds may be over-filled while others near depletion. If a particular loan applicant qualifies only for those funds with limited resources and not those with sufficient funding, that student will rarely obtain the needed loan.

These policies regarding the Hastings Emergency Student Loan program raise concerns about the future of the program. It is clear that the current functioning of the aid system is impaired by the actions and neglect of the very students it is designed to help, but, while students must assume a greater responsibility on their end, it would seem only logical that the administration should take a closer look at ways to assist its truly needy students.

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